

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-x

CHLOÉ SAS,

07 Civ. _____

Plaintiff,

[Proposed] *EX PARTE*
SEALING ORDER

-against-

MELISSA WAGNER d/b/a "NAPAGIRL,"
JOHN DOES I-V and iOFFER, INC.,

Defendants.

-x

Plaintiff having moved for an order temporarily sealing the record pending execution of a seizure order under 15 U.S.C. § 1116(d)(1)(A), and having submitted in support the accompanying memorandum of law, and good cause appearing for sealing the record pending execution of the seizure order, it is hereby

ORDERED that the file in this action be sealed pending further Order of this Court or the assigned Judge.

S O O R D E R E D:

U. S. D. J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-x

CHLOÉ SAS,

07 Civ. _____

Plaintiff,

-against-

TO BE FILED UNDER SEAL¹

MELISSA WAGNER d/b/a "NAPAGIRL,"
JOHN DOES I-V and iOFFER, INC.,

Defendants.

-x

MOTION FOR LEAVE TO TAKE EXPEDITED DISCOVERY
AND MOTION FOR ASSET FREEZE ORDER

I. EXPEDITED DISCOVERY

Plaintiffs, pursuant to Rules 20(a)(2)(C) and 34(b) Fed. R. Civ. P., hereby move the Court for leave to take expedited discovery, including requiring Defendants to produce documents and tangible things. The grounds for this motion are incorporated in the supporting memorandum filed concurrently herewith.

Unless a speedy disposition of this action is made Plaintiff will continue to suffer immediate and irreparable harm for which it has no adequate remedy at law.

II. ASSET FREEZE ORDER

Plaintiff further moves this Court to freeze the assets of Defendant Wagner and any servants, employees, agents and any persons in active concert or participation with her, resulting from the sale of counterfeit CHLOÉ merchandise, including but not limited to the sale of counterfeit CHLOÉ receipt templates, counterfeit CHLOÉ handbags, and counterfeit CHLOÉ receipts.

Plaintiff respectfully requests that any banks, online payment merchants (including but not limited to Paypal), savings and loan associations or other financial institutions, or agencies

¹ Plaintiff's Motion to Seal File is being filed concurrently herewith.

that engage in the transfer of real property should be preliminary restrained and enjoined from transferring, disposing of, or secreting any money, stocks or other assets of Defendant Wagner resulting from her counterfeiting activities without prior approval of the Court, which are in the following categories of assets:

- Defendant Wagner's Checking Account with West America Bank, 20 Solano Sq, Benicia, CA 94510 in Checking Account # 014470582.
- Defendant Wagner's online payment account with PayPal, Inc., the identifying information of which will be determined through a subsequent subpoena.
- Any other identifiable account determined through a subsequent subpoena.

Plaintiff has posted or will post with this Court its bond in the amount of Twenty Thousand Dollars (\$20,000) in support of both the Seizure Order and this requested Asset Freeze Order.

Plaintiff's memorandum of law in support of this Motion is attached hereto.

A proposed Order is submitted herewith.

Dated: New York, New York

October 15, 2007

Respectfully submitted,

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-x

CHLOÉ SAS,

07 Civ. _____

Plaintiff,

[Proposed] *EX PARTE*
ORDER GRANTING
EXPEDITED DISCOVERY
AND
ASSET FREEZE ORDER

-against-

MELISSA WAGNER d/b/a "NAPAGIRL,"
JOHN DOES I-V and iOFFER, INC.,

Defendants.

-x

Plaintiff, having moved for leave to take expedited discovery of the Defendants named in the Complaint, and having moved to freeze the assets of Defendant Wagner, and having submitted in support an accompanying memorandum of law, it is hereby

ORDERED, that pursuant to 15 U.S.C. 1116(d)(10)(B) and Rules 30 and 34 of the Federal Rules Of Civil Procedure, Plaintiff be given expedited discovery of Defendants with respect to the design, manufacture, advertising, distribution, importation, receipt, sale and/or offering for sale of counterfeit CHLOÉ receipt templates, counterfeit CHLOÉ receipts, counterfeit CHLOÉ handbags and other merchandise, containers and labels bearing the CHLOÉ trademark including discovery of the source thereof, the creation of such trademarks, the quantity of goods in Defendants custody bearing such trademarks ordered and in inventory and sold by Defendants, and the facilitation of the same, and other matters relevant to this action; and it is further

ORDERED that Defendant Wagner and any servants, employees, agents and any persons in active concert or participation with her, and any banks, online

payment merchants (including but not limited to Paypal), savings and loan associations or other financial institutions, or agencies that engage in the transfer of real property, who receive actual notice of this order by personal service or otherwise, are preliminary restrained and enjoined from transferring, withdrawing, disposing of, or secreting any money, stocks or other assets of Defendant Wagner without prior approval of the Court, which are in the following categories of assets:

- Defendant Wagner's Checking Account with West America Bank, 20 Solano Sq, Benicia, CA 94510 in Checking Account # 014470582.
- Defendant Wagner's online payment account with PayPal, Inc., the identifying information of which will be determined through a subsequent subpoena.
- Any other identifiable account determined through a subsequent subpoena; and it is further

ORDERED that Defendant Wagner shall serve upon Plaintiff's attorneys, within ten (10) days from the date of service of this Order, copies of all accountant's reports, bank statements, online merchant statements (including but not limited to Paypal), certificates of deposit, notes, bonds, checking accounts, trust accounts, money market or GNMA accounts, savings accounts or other financial institution records or documentation showing investments or deposits, and documents indicating title to any real or personal property in Defendant Wagner's actual possession or control.

S O O R D E R E D:

U. S. D. J.